

**ATTACHMENT A**
Remarks

Claims 1-12 are pending in the present application. By this Amendment, Applicants have amended claims 1-7 and added new claims 8-12. Applicants respectfully submit that the present application is in condition for allowance based on the discussion which follows.

Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Zumbé et al. (hereinafter "Zumbé"), in which it was alleged that Zumbé discloses a process wherein a milk composition is injected with an inert gas, e.g., carbon dioxide, under pressure at a temperature of about 40°C. Claims 2 and 4-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zumbé.

The present invention is directed to the pasteurization of a liquid mixture for ice cream which uses a combination of temperature and pressure to pasteurize the liquid mixture.

Applicants respectfully submit that claims 1-7 are not anticipated by or obvious in view of Zumbé, which is directed to a method for producing a milk chocolate composition without regard to pasteurization. In sharp contrast to the present method, Zumbé fails to teach or suggest a method in which temperature and pressure are applied, resulting in the pasteurization of a liquid mixture, as pasteurization is understood by one of ordinary skill in the art. To the contrary, Zumbé is not concerned with a method of pasteurization of liquid mixtures. Zumbé is directed specifically to a process for the production of a low density milk chocolate composition. According to the Zumbé, the chocolate mixture is heated at temperatures in the range from 27 to 45°C, with simultaneous injection of an inert gas, nitrogen or carbon dioxide, at high

pressures in the order of 6 to 8 bar, after which the mixture is poured into a container at atmospheric pressure so that, due to the difference in pressures, the gas dissolves and the poured chocolate mass is expanded, giving rise to a solid final product having a low specific weight.

There fails to be any teaching or suggestion within Zumbé to pasteurize its mixture. Pasteurization is a specific process directed to killing microbes traditionally in a liquid product by applying heat and pressure. Zumbé fails to teach or suggest any method which would be characterized as pasteurization by one of ordinary skill in the art. Therefore, there fails to be any suggestion within Zumbé to alter its temperature and/or pressure to make the present pasteurization process obvious.

Based on the foregoing, Applicants respectfully submit that claims 1-7 are not anticipated or obvious in view of Zumbé.

Further, by this Amendment, Applicants have added new claims 8-12, which are specifically directed to additional aspects of the present invention previously disclosed, but not claimed, in which the pasteurization occurs at a temperature between 50 and 59°C while injecting the heated liquid mixture with carbon dioxide at a pressure in the range of 5 to 6 bar for a period between 3 to 6 hours. Applicants respectfully submit that claims 8-12 are clear of the prior art of record.

Applicants appreciate the Examiner's indication of allowable subject matter of claim 3.

In view of the foregoing, Applicants respectfully submit that all claims are allowable and that the present application is in condition for allowance.

END OF REMARKS